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UNITED STATES MAGISTRATE COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. 3 06 70060 MEJ
)	
Plaintiff,)	ORDER AND STIPULATION FOR
)	CONTINUANCE FROM MARCH 9, 2006
v.)	TO APRIL 10, 2006 AND EXCLUDING
)	TIME FROM THE SPEEDY TRIAL ACT
MICHAEL ANTHONY KENNELLY,)	CALCULATION (18 U.S.C. §
)	3161(h)(8)(A)) AND WAIVING TIME
Defendant.)	LIMITS UNDER RULE 5.1

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of April 10, 2006 at 9:30A.M. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from March 9, 2006 to April 10, 2006. The parties agree, and the Court finds and holds, as follows:

1. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

2. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for preliminary hearing.

1 3. Counsel for the defense believes that postponing the preliminary hearing is in his
2 client's best interest, and that it is not in his client's interest for the United States to indict the
3 case during the normal 10-day timeline established in Rule 5.1 or within the period of
4 continuance, from February 13, 2006 to March 9, 2006, that he and his client have previously
5 agreed to.

6 5. The Court finds that, taking into the account the public interest in the prompt
7 disposition of criminal cases, these grounds are good cause for extending the time limits for a
8 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
9 the Court finds that the ends of justice served by excluding the period from March 9, 2006 to
10 April 10, 2006 outweigh the best interest of the public and the defendant in a speedy trial. §
11 3161(h)(8)(A).

12 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
13 hearing date before the duty magistrate judge on April 10, 2006 at 9:30A.M., and (2) orders that
14 the period from March 9, 2006 to April 10, 2006 be excluded from the time period for
15 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act
16 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

17
18 IT IS SO STIPULATED:

19
20 DATED: March 6, 2006

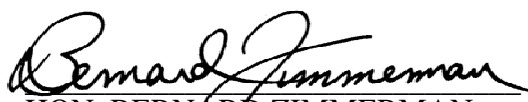
_____/S/
RON TYLER
Attorney for Defendant

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22
23 DATED: March 6, 2006

_____/S/
BLAKE D. STAMM
Assistant United States Attorney

24
25 IT IS SO ORDERED.

26
27 DATED: March 8, 2006


HON. BERNARD ZIMMERMAN
United States Magistrate Judge